

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

---

OVERHEAD DOOR CORPORATION,

Plaintiff,

Civil Action No.  
05-CV-876

- against -

R & D HALL, INC. d/b/a  
KINGSTON OVERHEAD DOOR f/k/a  
OVERHEAD DOOR COMPANY OF KINGSTON,

And

RICHARD E. HALL,

And

CHARLES HALL.

Defendants.

---

**STIPULATION**

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for plaintiff OVERHEAD DOOR CORPORATION and defendants R& D HALL, INC. D/B/A KINGSTON OVERHEAD DOOR F/K/A OVERHEAD DOOR COMPANY OF KINGSTON, RICHARD E. HALL AND CHARLES HALL in the above-entitled action, that:

A. This Court has jurisdiction over the parties and the subject matter of this action.

B. Judgment is entered against Defendants in the amount of \$7,500.00

C. Defendants and all those in active concert or participation with them, are hereby permanently enjoined from:

- i. Using the mark "Overhead Door" (federal registration number 1851191) and the design mark (federal registration number 1807028) in any form in connection with selling upward-acting doors and door sections, fixtures, parts, mechanisms, accessories and equipment for embodiment in such upward-acting doors, or use in connection therewith, including electrical and other automatic devices (known as door operators) for operating such upward-acting doors;
- ii. Using the mark "Overhead Door" (federal registration number 1851191) and the design mark (federal registration number 1807028) in any form in connection with selling any of their products, including but not limited to product wrappers, stationary, advertisements and/or corporate apparel, including, but not limited to t-shirts, hats, jackets, polo shirts and golf shirts;
- iii. Using the mark "Overhead Door" (federal registration number 1851191) and the design mark (federal registration number 1807028) in any form on signage mounted on or near defendants' place of business and/or in view of the public;
- iv. Seeking registration of a domain name on the World Wide Web containing the word "Overhead Door" (federal registration number 1851191) in any form;

- v. Placing meta-tags, containing the word "Overhead Door" (federal registration number 1851191) in any form, in source code used for developing a website on the World Wide Web;
- vi. Doing any other act or thing likely to induce the mistaken belief that Defendants or their products, services or business, are in any way approved by or affiliated, connected or associated with Plaintiff or Plaintiff's products or services.

E. The parties hereto waive any and all right to appeal from this Order.

F. The Court retains jurisdiction for the purpose of enabling the Parties to apply to this Court at any time for such further orders or direction as may be necessary for the interpretation, implementation, compliance, or punishment of violations of this Order. This Court also retains jurisdiction for purposes of enforcing the terms of this Consent Judgment.

SEP-23-2005 17:09

GOLDBERG SEGALLA LLP

914 798 5401 P.05/06

IT IS SO ORDERED.

Dated: 11/28/06

*F. Scullin*  
 The Honorable ~~Frederick J. Scullin, Jr.~~  
 Frederick J. Scullin, Jr.

Consented and Agreed To:

Overhead Door Corporation

R&amp;D Hall, Inc.

By: *[Signature]*Title: VP SalesDate: 11/18/05By: *Charles Hall*Title: PresidentDate: 10/07/05

Richard B. Hall

\_\_\_\_\_  
 Charles Hall

*Charles Hall*

Approved and submitted by counsel:

*M.S. Lerner* 11/21/05  
 Frank J. Ciano, Esq.  
 Chandran B. Iyer, Esq. M.S. Lerner, Esq.  
 Attorneys for Plaintiff  
 Overhead Door Corporation  
 170 Hamilton Avenue, Suite 203  
 White Plains, New York 10601  
 (914) 798-5400

Approved and submitted by counsel:

*[Signature]*  
 Michael S. Federoff, Esq.  
 Attorney for Defendants  
 110 Maiden Lane  
 Kingston, New York 12401  
 (845) 339-5656